

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-512-C - ORDER NO. 2005-736  
DECEMBER 19, 2005

IN RE: Application of Budget Phone, Inc. for a	)	ORDER GRANTING
Certificate of Public Convenience and	)	FLEXIBLE
Necessity to Provide Local Exchange	)	REGULATION
Telecommunications Services within the State	)	
of South Carolina.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Budget Phone, Inc. (Budget Phone or the Company) for approval of flexible regulation of its local exchange services. A review of the record reveals that Budget Phone was granted a Certificate of Public Convenience and Necessity (Certificate of PC&N) to provide local exchange telecommunications services within the State of South Carolina by Commission Order No. 2000-0289, dated March 24, 2000.

Upon the Commission's receipt of Budget Phone's Application for flexible regulation of the Company's local exchange services, the matter was published in the Commission's subscription service. No protests or Petitions to Intervene were received. We will therefore dispose of the matter summarily.

By its Application, Budget Phone requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation by Commission Order No. 98-165 in Docket No. 97-

467-C.<sup>1</sup> Further, Budget Phone requests that the Commission adopt a rate structure that incorporates maximum rate levels for its local exchange service offerings while providing the flexibility to make adjustments below the maximum rate levels in keeping with the procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C.

Budget Phone specifically requests that its local exchange tariff filings be presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case such tariff filings would be suspended pending further order of the Commission. Budget Phone also requests that any tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

Flexible regulation of local exchange services has been frequently approved by this Commission to promote competition in the telecommunications industry in South Carolina. We find that flexible regulation will continue to promote competition in the telecommunications industry in South Carolina. Accordingly, we approve Budget Phone's request for flexible regulation.

IT IS THEREFORE ORDERED:

1. That Budget Phone, Inc.'s local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for Budget Phone Inc.'s competitive

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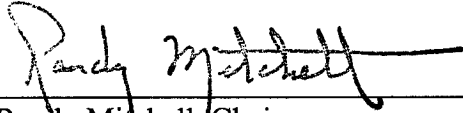
<sup>1</sup> By Order No. 98-165 issued March 5, 1998, in Docket No. 97-467-C, the principles and procedures for flexible regulation were established and first granted to NewSouth Communications, LLC.

intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission.

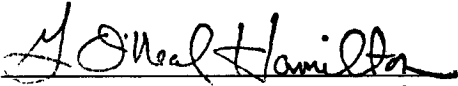
2. That Budget Phone, Inc.'s local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
Randy Mitchell, Chairman

ATTEST:

  
\_\_\_\_\_  
G. O'Neal Hamilton, Vice Chairman

(SEAL)